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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,371	04/28/2000	Lucius Gregory Meredith	MS147249.1	3551
27195	7590	06/07/2005		
AMIN & TUROCY, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER ROCHE, TRENTON J	
			ART UNIT	PAPER NUMBER
			2193	

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/560,371	Applicant(s) MEREDITH ET AL.	
	Examiner Trent J. Roche	Art Unit 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 8-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. This Office action is responsive to communications filed 13 December 2004 and 18 January 2005.
2. Per applicant's request, claims 1-7 and 26-28 have been canceled. Claims 8-25 stand as previously presented and are pending.
3. Claims 8-25 have been examined.

### ***Response to Arguments***

4. In view of the appeal brief filed on 18 January 2005, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 8-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Template Software version 8.0, hereafter referred to as Template.

**Note:**

The Template layered product contains:

The SNAP programming language ( Not used in this Office Action)

The Workflow Template (Two manual used)

The Web Component ( Not used in this Office Action)

These three layered products work together.

The documentation sets for the products contains the following manuals.

**SNAP** released June 1997

SNAP Language Reference ( Not used in this Office Action)

Using the SNAP Language ( Not used in this Office Action)

Using the SNAP Communication Component ( Not used in this Office Action)

Using the SNAP Graphic User Interface Component ( Not used in this Office Action)

Getting Started with SNAP ( Not used in this Office Action)

Using the SNAP Display Editors ( Not used in this Office Action)

SNAP Class Library Reference ( Not used in this Office Action)

Using the SNAP External Application Software Component ( Not used in this Office Action)

Using the SNAP Development Environment (Referred to as **SNAP** )

SNAP Module Library Reference ( Not used in this Office Action)

Using the SNAP Permanent Storage Component ( Not used in this Office Action)

**Workflow** released September 1997

Developing a WFT Workflow System (Referred to as **WFT** )

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Using the WFT Development Environment (Referred to as **Using** )

WFT Library Reference ( Not used in this Office Action)

**Web Component**

Using the Web Component (Referred to as **WEB** )

**Training Manuals**

Workflow version 8.0 product Training manual 1997 ( Not used in this Office Action)

Since, these products work together they constitute a single reference and can be used as the basis for a rejection based on anticipation by a product offering.

**Regarding claim 8:**

Template teaches:

- a system that facilitates modeling of business processes (Note **Using** , chapter 3, section titled “Using the Workflow Design Editor”, Figure 3-1 on page 3-5, and further, note Figure 2-3, in Chapter 2 page 2-9 of **WFT**, wherein an example business process is outlined.)
- comprised of a plurality of business operations (Note **WFT**, Figure 2-3. Each Role of the Business process has Tasks associated with them. Further, note page 2-11, wherein a Task is defined as “The smallest work activity with in a business process.”)
- comprising a computer-readable medium and a plurality of computer-executable files (Note **Using** , chapter 3, section titled “Using the Workflow Design Editor”, Figure 3-1 on page 3-5. The Editor, which is executing, is stored on a computer-readable medium and utilizes computer-executable files)
- a scheduling component that employs a dataflow diagram to define a flow of business operations (Note **Using** , chapter 3, section titled “Using the Workflow Design Editor”,

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Figure 3-1 on page 3-5. Further, note at least pages 3-9 and 3-19, wherein a tool for creating new flows in the diagram is described.)

- the dataflow diagram includes actions coupled via data flowing between them (Note **Using**, chapter 3, section titled “Using the Workflow Design Editor”, Figure 3-1 on page 3-5, and Figure 3-3 on page 3-12. Further, the data flowing between the actions, or Tasks, are represented by Work Items, which are defined as “The information processed by a task” on page 3-3, wherein the Work Items are routed around between the Tasks.)
- a binding component that defines the business operations through a schedule message, a port connection, a port and a message interface with a component outside the schedule (**WFT**, page 2-11, Routing Rule, pages 4-13 to 4-29, routing rules defined. Also see custom rules, page 4-26 to 4-28).

substantially as claimed.

**Regarding claim 9:**

The rejection of claim 8 is incorporated, and further, Template discloses the binding component further defines technology specific information for binding business operations to at least one technological component as claimed (“each task is assigned a role that corresponds to the kind of employee that will use the task... You deploy instances of applications as nodes. **WFT**, Chapter 6, page 6-2.)

**Regarding claim 10:**

The rejection of claim 8 is incorporated, and further, Template discloses binding a single business operation to a plurality of technological components as claimed (Claim 8 taught, **WFT**, pages 2-9

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and 4-4, the entire workflow system is a conceptual diagram as a single unit connecting a plurality of technological components).

**Regarding claim 11:**

The rejection of claim 8 is incorporated, and further, Template discloses a binding file that provides port and message mapping between operations and between business operations and technological components as claimed (Template is an object oriented workflow system, messaging is an inherent feature of object technology, claim 8 as noted in claim 10 connects a plurality of technological components, the files that support the operations are defined as documented Using page 2-41 to 2-44) Note the file in claim is not the persistent storage binding as described in the Examiner's comments.

**Regarding claim 12:**

The rejection of claim 11 is incorporated, and further, Template discloses the binding component further defines message structure and declaring messages as claimed (SNAP, Chapter 3, Specifically, tabs for building methods/functions which are the ways messages are generated in Object oriented technology as per page 3-44 to 3-45 and the relationships among objects as per SNAP page 3-14.

**Regarding claim 13:**

The rejection of claim 8 is incorporated, and further, Template discloses context semantics as claimed 12

**Regarding claim 14:**

The rejection of claim 8 is incorporated, and further, Template discloses schedule conditionals as claimed as per claim 8 last limitation .

**Regarding claim 15:**

The rejection of claim 8 is incorporated, and further, Template discloses a second binding component that binds the business operations with a second component outside of the schedule as claimed As per Tasks in claim 8

**Regarding claim 16:**

Template teaches:

- a system for facilitating modeling of business processes comprised of a plurality of business operations
- the system comprising a computer-readable medium and a plurality of computer-executable files
- a scheduling component that defines the flow of business operations in a schedule
- a binding component that separates the schedule from implementations of a workflow and maps actions in the schedule to calls on at least one technological component

substantially as claimed. As per claim 8.

**Regarding claim 17:**

The rejection of claim 16 is incorporated, and further, note the rejection regarding claim 10.

**Regarding claim 18:**



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The rejection of claim 16 is incorporated, and further, Template discloses business operations as actions connected by data flowing between then and actions are ports and messages wherein a binding file provides virtual port and message mapping between business operations and technological components ( As per claim 8, the virtual port being the ability to use messaging in object technology with methods/functions).

**Regarding claim 19:**

The rejection of claim 16 is incorporated, and further, note the rejection regarding claim 12.

**Regarding claim 20:**

The rejection of claim 16 is incorporated, and further, note the rejection regarding claim 13.

**Regarding claim 21:**

The rejection of claim 16 is incorporated, and further, note the rejection regarding claim 14.

**Regarding claim 22:**

Template teaches:

- a computer implemented business process scheduling software
- a data flow module that allows a user to define a flow of business operations
- a binding module that allows a user to define a link between the business operations and the plurality of disparate business implementations

substantially as claimed. As per claim 8.

**Regarding claim 23:**

The rejection of claim 22 is incorporated, and further, Template discloses the binding module allowing the user to specify the business implementation as claimed in claim 8.

**Regarding claim 24:**

The rejection of claim 22 is incorporated, and further, Template discloses allowing the user to specify programmable semantics as claimed ( as per claim 12).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Template in view of "The XML Handbook", hereafter referred to as XML.

**Regarding claim 25:**

The rejection of claim 22 is incorporated, and further, Template teaches the use of HTML (Web, 1-2) Template does not explicitly disclose the binding being in a programming language having an XML syntax. It is XML who teaches the use of the XML syntax. XML is well known to also be a tagged language and used to represent forms. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Template to use XML because XML provides for extensibility (XML, page 15).

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***Examiner's Remark***

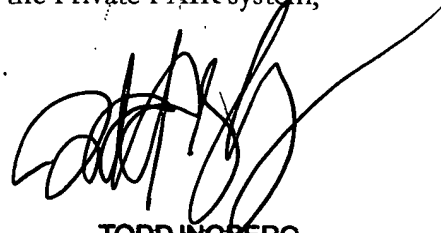
9. The binding to a persistent storage file or database as per the Specification has gone unclaimed.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trenton J. Roche whose telephone number is (571) 272-3733. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**TODD INGBERG  
PRIMARY EXAMINER**

Trenton J Roche  
Examiner  
Art Unit 2193

TJR